

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ANTHONY RAPP,

Plaintiff,

-against-

KEVIN SPACEY FOWLER a/k/a KEVIN SPACEY,

Defendant.

Case No. 1:20-cv-09586 (LAK) (SDA)

**DECLARATION OF CHASE A.  
SCOLNICK IN SUPPORT OF  
DEFENDANT’S MOTION *IN LIMINE*  
NO. 5 TO PRECLUDE PLAINTIFF  
FROM INTRODUCING OR  
REFERENCING CERTAIN  
IRRELEVANT EVIDENCE UNDER  
FRE 402 OR, ALTERNATIVELY,  
UNDER FRE 403 AND OTHER  
AUTHORITIES**

Under 28 U.S.C. § 1746, I, Chase A. Scolnick, declare under penalty of perjury, as follows:

1. I am a member of the Bar of the State of New York and the bar of this Court. I am also a partner of Keller / Anderle LLP, attorney for defendant Kevin Spacey Fowler a/k/a Kevin Fowler (“Mr. Fowler”). This declaration is made in support of Mr. Fowler’s Motion *in Limine* No. 4 to preclude plaintiff from presenting evidence about or referencing Justin Dawes and Andrew Holtzman or any other unrelated alleged incident. (“Motion *In Limine*”).

2. Attached as **Exhibit 1** to this declaration is a true and correct copy of Plaintiff’s Rule 26(a)(1) Initial Disclosures (without attachments), dated January 26, 2021.

3. Attached as **Exhibit 2** to this declaration is a true and correct copy of selected pages of Defendant Kevin Spacey Fowler’s Responses and Objections to Plaintiffs’ First Notice to Produce, dated March 6, 2021. This excerpts includes Mr. Fowler’s objections and response to Request No. 23.

4. Attached as **Exhibit 3** to this declaration is a true and correct copy of Lisa M. Rocchio, Ph.D.’s Summary of Forensic Psychological Evaluation, dated February 25, 2021. Dr. Rocchio was the only expert in Plaintiff’s expert witness disclosure.

5. Attached as **Exhibit 4** to this declaration is a true and correct copy of selected pages from the Reporter's Transcript of the Deposition of Anthony Rapp, taken in this action on February 3, 2021.

6. Attached as **Exhibit 5** to this declaration is a true and correct copy of selected pages from the Reporter's Transcript of the Deposition of Sean Snow, taken in this action on August 6, 2021.

7. Attached as **Exhibit 6** to this declaration is a true and correct copy of selected pages from the Reporter's Transcript of the Deposition of Christopher Denny, taken in this action on December 3, 2021. At his deposition, Mr. Denny stated that the means by which he was served with a deposition subpoena in this case was troubling. While I arranged for Mr. Denny to be served with a deposition subpoena, and while I instructed that service attempts be continued after an initial attempt was unsuccessful, I did not direct the process servers to try to serve Mr. Denny in any particular way.

8. Attached as **Exhibit 7** to this declaration is a true and correct copy of selected pages from the Reporter's Transcript of the Deposition of Evan Lowenstein, taken in this action on December 14, 2021.

9. Attached as **Exhibit 8** to this declaration is a true and correct copy of selected pages from the Reporter's Transcript of the Deposition of Expert Witness Elizabeth Loftus, taken in this action on December 22, 2021.

10. Attached as **Exhibit 9** to this declaration is a true and correct copy of selected pages from the Reporter's Transcript of the Deposition of Kevin Fowler, taken in this action on January 17, 2022.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 26, 2022  
Irvine, California

Respectfully submitted,

/s/ Chase A. Scolnick  
Chase A. Scolnick  
Keller / Anderle LLP

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*Counsel for Defendant Kevin Spacey  
Fowler a/k/a Kevin Spacey*

**CERTIFICATE OF SERVICE**

In accordance with Local Rule 5.2, I, Chase A. Scolnick, hereby certify that on September 26, 2022 this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Chase A. Scolnick  
Chase A. Scolnick